IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8662 OF 2007

Abdul Rehman M.Pambara and Ors. ...Petitioners

Versus

The Commissioner of Police,

Mumbai & Ors. ....Respondents

Sandip Shinde for the petitioners.

R.M.Patne, AGP for the respondents.

CORAM: S.C.DHARMADHIKARI, J.

29th November, 2007

P.C. :

1. The grievance of the petitioner is that by the order passed by the authority as early as on 1.9.2007 which was duly received by him, the licence has been suspended and his further grievance is that though the suspension is for 60 days and the period is likely to come to an end, he has not been heard by the Appellate Authority either on the question of stay or on the legality or validity of this order.

2. After this matter was argued for some time, I expressed my dissatisfaction at this state of affairs. Mr.Patne, Learned AGP beyond stating that he has to take instructions could not assist the court.

3. In such circumstances, interest of justice would be subserved, if the Appellate Authority is directed to hear the petitioner’s Stay Application, if not already heard, after an opportunity is given to him to make his submissions. The petitioner will appear before the Appellate Authority on 5.12.2007 at 11 a.m. and the Appellate Authority to decide the Stay Application within a period of ten days thereafter. Considering the fact that the licence has been suspended from 19.9.2007 till date, as and by way of purely ad-hoc measures and without prejudice to the rights and contentions of both sides, the petitioners establishment would operate and the petitioners have undertaken before me that they would serve only food and soft-drink items but will not serve any liquor, alcohol till such time as the appellate orders are communicated to them. Petition disposed off.

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